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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,023	12/02/1999	RAFAEL HEREDIA	1364.1007	2048

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/453,023

Applicant(s)

HEREDIA ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-51 and 55-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68 is/are allowed.
- 6) ☒ Claim(s) 46-48, 50, 51, 57, 58, 61-63 and 67 is/are rejected.
- 7) ☒ Claim(s) 49, 55, 56, 59, 60 and 64-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/20/00</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 46-48, and 50-51, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 46-48, 50-51, 57-58, 61-63, and 67, are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al in view of Shah et al.

Shah et al discloses a video/audio apparatus that shows substantially the same limitations recited in claims 46, 51, and 58, including the feature of selecting a first source from among inputs including at least two of a computer file, a computer data connection, a digitally encoded disc player, a radio tuner, a television audio decoder, an

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MPEG decoder, a S/PDIF input, a microphone, an external video signal and an external audio signal (See Barton et al's Figures 2, where it is shown multiple inputs, and furthermore, see Barton et al's Figure 1, and 13, wherein the input module and the hard disk can be regarded as multiple outputs), and the feature of selecting a first output for the first source from among outputs including a computer mass storage device and at least one of speakers, headphones, and audio tape device and a video tape device and routing the first source to the first output as specified in the present claims 46, 51, and 58. (See Barton et al's Figure 1, 2, 13, where it is shown that multiple inputs can be routed to multiple outputs, and furthermore, see Barton et al's column 4, lines 14-23).

Barton et al fails specifically disclose the feature of the selection of the output being based on the selection of the input as specified in the present claims 46, 51, and 58.

Shah et al discloses a system for switching audio/video signals between inputs and outputs which includes the capability of selecting outputs based on the selection of the inputs as specified in the present claims 46, 51, and 58. (See Shah et al's page 4, paragraph [0057], and page 5, paragraph [0061]).

It would have been obvious to one skilled in the art to modify the Barton et al's apparatus wherein the switching means provided thereof would incorporate the capability of selecting outputs based on the selection of the inputs in the same conventional manner as is shown by the cited prior art of Shah et al. The motivation is to increase the reliability of the system, thereby the user can easily anticipate the output signals as suggested by Shah et al.

With regard to claims 47, and 62-63, and 67, the feature of routing a second source input to a second output as specified thereof is present in the proposed combination of Barton et al and Shah et al indicated above. (See Barton et al's claims 2, and 4).

With regard to claim 48, the feature of mixing the first and second source of inputs prior to routing both to the output as specified thereof is present in the proposed combination of Barton et al and Shah et al indicated above. (See the capability of viewing picture in picture as disclosed in Barton et al's column 11, lines 26-35).

With regard to claim 50, the feature of selecting an audio source and routing the same to speakers and routing a video signal from a video source to a video output source simultaneously with the routing of the audio source to the speakers as specified thereof would be present in the proposed combination of Barton et al and Shah et al indicated above. (See Barton et al's Figure 7, components 703, 704, 715, 717, 718, and 716).

With regard to claims 57, and 61, the feature of the outputs further including a video display as specified in the proposed combination of Barton et al and Shah et al indicated above. (See Barton et al's Figure 7, component 716, the output TV shown in Barton et al's Figure 13).

5. Claims 49, 55-56, 59-60, and 64-66, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 68 contains allowable subject matter over the prior art of record.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
June 16, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER